

Express Mail No. EV452773032US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Weaver et al. Confirmation No.: 5819
Serial No.: 10/665/505 Art Unit: 3732
Filed: September 22, 2003 Examiner: To Be Assigned
For: BONE PLATE SYSTEM Attorney Docket No.: 8932-852-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of :

☒ Each foreign patent or printed publication;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

☒ Before the mailing of the first Office action on the merits;

☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
☐ enclosed
☐ to be charged to Jones Day Deposit Account No. 50-3013.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

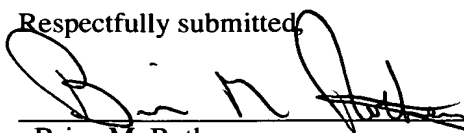
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☒ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☒ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on September 22, 2003. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions may have been made. These omissions have been corrected herein. Applicants respectfully request that the listed references be considered by the Examiner and made of record in the above-identified application.
8. ☒ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☒ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Date: August 20, 2004

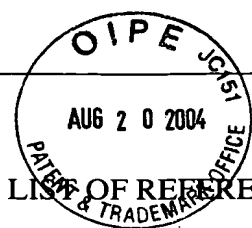
Respectfully submitted,



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LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY DOCKET NO.

8932-852-999

APPLICATION NO

10/665/505

APPLICANT

Weaver et al.

FILING DATE

September 22, 2003

GROUP

3732

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	6,669,701 B2	12/30/2003	Steiner et al.	606	69	
	A02	6,623,486 B1	09/23/2003	Weaver et al.	606	69	
	A03	6,527,776 B1	03/04/2003	Michelson	606	70	
	A04	6,454,770 B1	09/24/2002	Klaue	606	69	
	A05	6,440,135 B2	08/27/2002	Orbay et al.	606	69	
	A06	6,364,882 B1	04/02/2002	Orbay	606	69	
	A07	6,322,562 B1	11/27/2001	Wolter	606	69	
	A08	6,206,881	03/27/2001	Frigg et al.	606	69	
	A09	5,938,664	08/17/1999	Winqvist et al.	606	69	
	A10	5,702,399	12/30/1997	Kilpela et al.	606	72	
	A11	5,006,120	04/9/1991	Carter	606	69	
	A12	4,957,497	09/18/1990	Hoogland et al.	606	71	
	A13	4,513,744	04/30/1985	Klaue	128	92	
	A14	4,493,317	01/15/1985	Klaue	128	92	
	A15	4,219,015	08/26/1980	Steinemann	128	92	
	A16	3,779,240	12/18/1973	Kondo	128	92	
	A17	3,716,050	02/13/1973	Johnston	128	92	
	A18	3,668,972	06/13/1972	Allgower et al.	90	11 C	
	A19	3,552,389	01/05/1971	Allgower et al.	128	92	
	A20	D 479,331 S	09/02/2003	Pike et al.	D24	155	
	A21	RE 31,628	07/10/1984	Allgower et al.	128	92	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	CH 611147	5/31/1979	Switzerland	A61B	17/18	ABS	
	B02	DE 4438264 A1	3/14/1996	Germany	A61B	17/70	ABS	
	B03	EP 0 207 884 A2	1/7/1987	Europe	A61B	17/58	ABS	

OTHER REFERENCES <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		
	C01	ACE Symmetry™ Titanium Upper Extremity Plates, Ace Medical Company
	C02	
	C03	
EXAMINER		DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		